

UNITED STATES DISTRICT COURT

for the
District of Arizona

MA
10/23/17
United States of America
v.
Asuncion Medina-Aispuro,
a.k.a.: Asuncion Aispuro-Medina,
a.k.a.: Asuncion Aipruro
(A 094 398 869)
Defendant

Case No. 17-469 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of October 23, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Asuncion Medina-Aispuro, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at Nogales, Arizona, on or about December 3, 2008, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

CER

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Kathy J. Lemke

☒ Continued on the attached sheet.



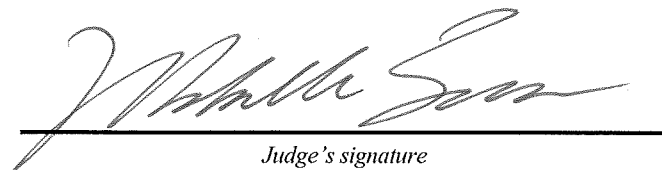
Complainant's signature

Marcus D. Leggett,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: October 24, 2017



Judge's signature

City and state: Phoenix, Arizona

Michelle H. Burns,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Marcus D. Leggett, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On October 23, 2017, Asuncion Medina-Aispuro was booked into the Maricopa County Jail (MCJ) intake facility by the Phoenix Police Department on local charges. While incarcerated at the MCJ, Medina-Aispuro was examined by ICE Officer B. Placencia who determined him to be a Mexican citizen, illegally present in the United States. On the same date, an immigration detainer was lodged with the MCJ. On October 23, 2017, Medina-Aispuro was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Medina-Aispuro was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Asuncion Medina-Aispuro to be a citizen of Mexico and a previously deported criminal alien. Medina-Aispuro was removed from the United States to Mexico through Nogales, Arizona, on or about December 3,

2008, pursuant to the reinstatement of an order of removal issued by an immigration judge. There is no record of Medina-Aispuro in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Medina-Aispuro's immigration history was matched to him by electronic fingerprint comparison.

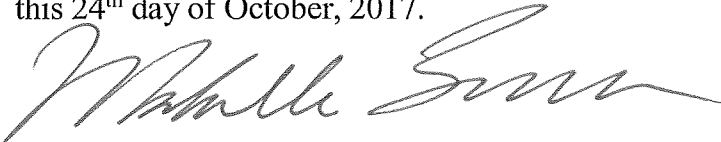
4. Criminal history checks revealed that Asuncion Medina-Aispuro was convicted of Illegal Alien in Possession of a Firearm, a felony offense, on January 8, 2007, in the United States District Court, District of Arizona. Medina-Aispuro was sentenced to twelve (12) months and one (1) day of imprisonment, and three (3) years of supervised release. Medina-Aispuro's criminal history was matched to him by electronic fingerprint comparison.
5. On October 23, 2017, Asuncion Medina-Aispuro was advised of his constitutional rights. Medina-Aispuro freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about October 23, 2017, Asuncion Medina-Aispuro, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States

at Nogales, Arizona, on or about December 3, 2008, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



Marcus D. Leggett,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 24th day of October, 2017.



Michelle H. Burns,
United States Magistrate Judge